



**FREMONT PLANNING BOARD**

**February 27, 2008**

**Meeting Minutes**

Approved March 19, 2008

Present: Chairman Roger Barham, Co-Chair and CC Rep. John (Jack) Karcz, Members Mark Pitkin and John (Jack) Downing, Building Official Thom Roy, and Land Use AA/Recording Secretary Meredith Bolduc.

RPC Circuit Rider David West joined the meeting at 8:25 pm.

Mr. Barham called the meeting to order at 7:10 pm.

**MINUTES**

Mr. Karcz made the motion to approve the minutes of the February 20, 2008 meeting as written.

Motion seconded by Mr. Downing with unanimous favorable.

**BLACK ROCKS VILLAGE**

Map 3 Lot 015-1

Present: Peter Lewis and Joshua Manning of Lewis Builders

At 7:30 pm Mr. Lewis and Mr. Manning met with the Board to discuss the topic of sidewalks in the Black Rocks Village project. They presented a copy of the site plan, inclusive of sidewalks, that was approved by the Planning Board and recorded in March 2006. Mr. Lewis explained that he has done a housing development in Hampstead, which has walking trails throughout the property and no sidewalks. He has also done one in East Kingston that has sidewalks and no trails. He stated that the walking trails were far more popular with the residents and get used much more often than sidewalks. He noted that while eventually no-one wanted to use or cared about the maintenance of the sidewalks, they would rather have walking trails and were more apt to use and maintain them. Mr. Manning showed pictures of the Hampstead project with the walking trails and stated that the trails are 4 ½ feet wide and are maintained using a bobcat tractor with a blower because they are used so much. Mr. Lewis stated that another draw to the walking trails is that they tie the areas of the project together. Mr. Lewis proposed to pave the same distance of trails in the Black Rocks Village project as they would have paved with sidewalks.

Mr. Karcz related that one thing that came out of the meetings relative to adopting the Vision Chapter of the Master Plan in 2006 was that people would like to have sidewalks in the Town. Mr. Downing noted that this is different because it is a private project. Mr. Roy offered that the concept of sidewalks may have been so that the habitants would have a safe place to walk. There was a conversation relative to the possibility of a trail connecting to RT 107 as well as to other offsite areas. Mr. Karcz stated that because of the increase in the area of impervious surface that paving trails throughout the property would create, it is his guess that the Conservation Commission may not be in

favor of the proposal. He stated that the Conservation Commission would like to be notified of any scheduled site visits.

Mr. Barham stated that he would like to do a little research relative to how the walking trails vs sidewalks are viewed in some other communities. Mr. Lewis stated that he would like to invite any of the Board Members to visit his Hampstead project to see how the trails vs sidewalks affect the project.

Mr. Manning agreed to send CAD drawings of the Hampstead and East Kingston projects to Mr. Barham. Mr. Manning and Mr. Lewis thanked the Board and left the meeting at 7:50 pm.

#### JEREMY LENNON

Map 2 Lots 129 and 129-001-006: Rt 111A

Present: Jeremy Lennon and Abutter Marvin Weed.

At 7:50 pm Mr. Lennon met with the Board relative to removal of excavation material from his property at Map 2 Lot 129-02. The entire properties consist of Map 2 Lot 129, 52 acres which was previously a gravel operation and includes existing pond; and Map 2 Lots 129-01, 129-02, 129-03, 129-04, 129-05 and 129-06, all of which are pre-existing one-acre lots. Mr. Lennon stated that he plans to build homes on and sell each of the one-acre lots, and build a house for himself and his family on lot 2-129 where he also plans to have his excavation business. Mr. Lennon showed a site plan for the lots. He said that he wants to excavate 75' x 450' x 15' deep = 18,000 cu yds on lot 2-129 where the original gravel operation was. Mr. Lennon stated that he has already taken about 1000 cu yds of excavation material off lots 129-01 and 129-02 combined and he does not intend to take more from those lots. He added that he is looking to excavate about 400 cu yds and additional material, exclusive of the house foundations, from lot 129-03, 129-04, 129-05, and 129-06.

Mr. Lennon showed a marked-up plan of lot 129-02 to show the already excavated area. Mr. Barham showed a projection of a GIS map of the entire Map 2 Lot 129 and the six one acre lots.

Mr. Barham related to Mr. Lennon that up to three thousand (3,000) cubic yards may be taken from any excavation that is exclusively incidental to the lawful construction or alteration of a building or structure or the construction or alteration of a parking lot or way including a driveway on a portion of the premises where the removal occurs. Building permits must be issued to the lot where the excavation is to occur. Mr. Barham stated that if Mr. Lennon is going to excavate on lots that he has not received building permits for, or if he is planning on excavating more than the allowed 3,000 cubic yards, he must file for an excavation permit. It was noted that a building permit has been issued for lot 129-02, but excavation has also occurred on lot 129-01. The excavation is deemed not to be exclusively incidental to building.

Mr. Lennon stated that he is planning to submit an application for Site Plan Review to be allowed to operate his business from the property at lot 2-129 and an application for an Excavation Permit. There was a conversation relative to some possible zoning issues that may occur as a result of activity on the property.

Mr. Roy recommended to Mr. Lennon that rather than trying to get the permits simultaneously, he consider getting the gravel permit to deal with the 4 lots up front first (excavation on the other 2 being done), then move forward with his Site Plan Review. Mr. Lennon asked if he would have to get a

permit for each lot and Roy stated that this would be up to the Board, but he would recommend the permit would be for the total area.

Mr. Roy noted that the plans Mr. Lennon is showing are septic plans. Mr. Roy pointed out that there is a waiver mechanism that could be utilized relative to his gravel permit application.

It was noted that the Town is awaiting a report from Mary Pinkham-Langer of NH DRA who has visited the site as a result of a non-conformance complaint. A Notice of Intent to Excavate must be filed with NHDRA for excavation in excess of 1,000 cu yds.

Mr. Lennon obtained a copy of the Excavation Regulations and thanked the Board. He and Mr. Weed left the meeting at 8:25 pm.

## MASTER PLAN

### Natural Resources Chapter (NRI)

The Board reviewed a draft of the NRI amendment for the Master Plan. As suggested at the last meeting, an explanation paragraph for table 1 has been added and some of the information in table 2 has been corrected and updated to include a deed book and page column.

### Land Use Chapter

Mr. West agreed at the last meeting to create a table that has parcel base and the 2005 land use map for the Land Use Chapter of the Master Plan. This has not yet been done.

### Community Facilities Chapter

Mr. West has now received the worksheets from all departments and continues to work on this chapter.

### Housing Chapter

There has been no reply to date from CTAP relative to the funding of this chapter.

### Implementation and Action Plan Chapter

Mr. West was directed to apply to CTAP for \$1,500 to create an Implementation and Action Plan Chapter of the Master Plan at the last meeting. Mr. West stated has not yet submitted this application.

## COMMUNITY ASSESSMENT REPORT

Mr. Barham stated that the Community Assessment report will be discussed at the next meeting when Mr. West is in attendance.

## SCRIBNER ESTATES

### Map 2 Lot 001

Mr. Barham reported that the Conservation Easement deed for Scribner Estates Map 2 Lots 1-7, 1-8, 1-9, 1-10 and 1-11 as per the June 25, 2003 Planning Board subdivision approval and the recorded subdivision plan #D-31121 has been reviewed by Town Counsel, signed by owner Mr. Perry and Conservation Commission Chairman John Karcz and recorded at the Rockingham Registry of Deeds.

C.L. MAGNUSSON

Map 2 Lot 070 Gravel Operation

Mr. Barham reported that the Board has received a copy of a February 21, 2008 correspondence from the Selectmen to C.L. Magnusson relative to his application to put his property in current use and advising him that the land is not eligible for current use if any gravel operation has not been fully closed out and reclaimed.

Mr. Barham stated that status of the above referenced gravel pit is as follows:

**January 9, 2008:** Permit renewal application for 2008 was received. The application is dated December 18, 2007 and the anniversary renewal date is April 1, 2008.

**January 10, 2008:** Correspondence sent from the Planning Board to Mr. Magnusson advising that test pits will be required.

**January 16, 2008:** The application package was returned to Mr. Magnusson.

C. L. Magnusson came in and requested the return of the excavation application he recently submitted for his property at Map 2 Lot 070. He stated that he has decided not to renew his excavation permit and instead will reclaim the small area of stockpiled material and offer the property for sale.

Reclamation requirements as per RSA 155-E: 5 - **Minimum and Express Reclamation Standards.**

*Within 12 months after the expiration date in a permit issued under this chapter, or of the completion of any excavation, whichever occurs first, the owner of the excavated land shall have completed the reclamation of the areas affected by the excavation to meet each of the following minimum standards or when such excavation is not subject to a permit under this chapter pursuant to RSA 155-E:2, to meet each of the following express standards:*

*I. Except for exposed rock ledge, all areas which have been affected by the excavation or otherwise stripped of vegetation shall be spread with topsoil or strippings, if any, but in any case covered by soil capable of sustaining vegetation, and shall be planted with seedlings or grass suitable to prevent erosion. Areas visible from a public way, from which trees have been removed, shall be replanted with tree seedlings, set out in accordance with acceptable horticultural practices.*

*II. Earth and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of.*

*III. All slopes, except for exposed ledge, shall be graded to natural repose for the type of soil of which they are composed so as to control erosion or at a ratio of horizontal to vertical proposed by the owner and approved by the regulator. Changes of slope shall not be abrupt, but shall blend with the surrounding terrain.*

*IV. The elimination of any standing bodies of water created in the excavation project as may constitute a hazard to health and safety.*

*V. The topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the natural proportions of flow. For excavation projects which require a permit from the department of environmental services pursuant to RSA 485-A:17, the provisions of that statute, and rules adopted under it, shall supersede this paragraph as to areas of excavation sites covered thereby. The excavator shall file a copy of permits issued under RSA 485-A: 17 with the regulator.*

Mr. Barham offered that the Board has not received correspondence from Mr. Magnusson relative to reclamation, but that his excavation permit does not expire until April 1, 2008.

Mr. Downing made the motion that for the Board to consider the Magnusson excavation site (Map 2 Lot 070) finished and closed out, that a written report would be require from the Town Engineer stating that the site has been completely reclaimed.

Motion seconded by Mr. Karcz with unanimous favorable vote.

## SITE PLAN REVIEW REGULATIONS

The Board reviewed a list of potential amendments to the Site Plan Review. The following amendments were discussed and agreed upon for acceptance at a Public Hearing:

1. 1.12-B; add “*or designee*” after “Planning Board”
2. 1.12-B2; add new *If the application submitted conforms to requirements as defined in Section 1.13 of these regulations a Public Hearing will be scheduled within thirty (30) days of submission. If the application submitted does not conform to requirements as defined in Section 1.13 of these regulations the applicant or agent will be notified in writing of such incomplete state within thirty (30) days of submission.*
3. 1.12-C; change to *The final completed application for approval, together with required fees and drawings or other relevant information shall be filed with the secretary of the Board not less than fifteen (15) days before the meeting.*
4. 1.12-D; change to - *If the applicant(s) or owner(s) are other than the legal land owners a written authorization for the agent to appear on behalf of the owner must be submitted.*
5. 1.12-E; change to *At the Public Hearing the Planning Board shall decide whether to accept the application as complete; subject to the need to produce additional information concerning any impact of the proposed development which could become apparent under further review. In case of disapproval, reasons for disapproval shall be adequately stated.*
6. 1.12-F; Change to “*A duplicate of the application and plans shall be sent to Rockingham Planning Commission for review of completeness of prior to filing the application with the Planning Board*”
7. 1.12-G; Sentence #2- delete “Abutters Hearing, Abutters/Public Hearing
8. 1.12-H; Delete entire section
9. 1.12-I; Delete entire section
10. Chapter 1.12-J ; change “90” days to “65”
11. Chapter 1.12-L; change “seventy two (72)” to “*one hundred and forty four (144)*”
12. Chapter 1.12-M; add new “*Notice of Decision, with deed reference, will be recorded at the Registry of Deeds by the Planning Board Secretary or designee at the applicants expense*”.
13. Chapter 1.13-E; change “6 copies of the proposed layout/plan” to *6 full size and 8 11” x 17” sets of plans; at least two of the full size plans will be colored.*” and add “*All plans are required to be drawn by a NH licensed Land Surveyor or Professional Engineer.*”
14. Chapter 1.13-E-I; add *but not limited to* after “including” and add *Underground utilities and after “connections”.*
15. 1.13-E-4: Add “*signs and lighting*” before “erosion”.
16. 1.13-I: Move second and third sentences to 1.13-T-6 - *A fiscal study/data relative to the potential impact to the town may be required during the review process. Special provisions and/or plans may be required if found to bear a financial impact on the town.*
17. 1.13-L: Change “streets” to “*internal access ways and parking*”.
18. 1.13-R through R-5: Move to 1.13-T-7
19. 1.13-S-10: Add “*street address*”
20. 1.13-S-12: first sentence; change “of proposed site or subdivision” to “*prior to proposed development*”
21. 1.13-S-13: Change “each” to “*the*” and delete “*lot*”
22. 1.13-S-14: Add “*wetlands shall be delineated by a NH licensed Wetland Scientist or Soil Scientist.*”
23. 1.13-S-15: add “*Street right-of-way shall be marked by a 4” x 4” x 36” stone or concrete monument.*”

24. 1-13-S-19: Delete all (*renumbering required*)
25. 1.13-T-3: Move and add new 1.13-K-1 - *Estimates of noise generations.*
26. 1.14-E: Delete all
27. 1.14-G: add "*All new utilities shall be installed underground*"
28. Chapter 1.16-D; add new sentence #3 "*Cisterns type and size must be stated*"
29. Chapter 1.18-D; last sentence after "prepayment" add "*in the form of a cash escrow*"
30. Chapter 1.19; sentence 1 - change "Planning Board" to "*Board of Selectmen*" add "*and approved by Town Counsel*" sentence 3 - add *unless otherwise previously agreed to by the Planning Board*; sentence 4 – change "construction" to *building permit* and add *unless otherwise previously agreed to by the Planning Board*; add new sentence at the end of the paragraph "*Bonds shall be reviewed annually.*"; remove duplicate sentence "all improvements must be completed within one year of occupancy within the site."
31. Chapter 1.20-G-1; add new "*All mylars to be recorded must be pre-approved by Rockingham Registry of Deeds*".
32. Chapter 1.20-K; add new "*Notice of Decision to be recorded with the Registry of Deeds and reference the Deed.*"
33. Chapter 1.23; add new "Fines" *The provisions of RSA 676:17 shall be applicable.*
34. Appendix's A and B to be amended as per these regulations.

Mr. Barham stated that additional Site Plan Review Regulation amendments will be further discussed at a future meeting.

#### CORRESPONDENCE

1. Notice of the April 26, 2008 Office of Energy and Planning 15<sup>th</sup> Annual Spring Planning & Zoning Conference. Information packets were distributed. Members were requested to submit their registration forms to the Land Use Office no later than April 1, 2008.

Mr. Karcz made the motion to adjourn at 10:25 pm.

Motion seconded by Mr. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc,  
Land Use AA/Recording Secretary